

# Social Questions Bulletin

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*The Methodist Federation for Social Action, an unofficial membership organization, founded in 1907, seeks to deepen within the Church, the sense of social obligation and opportunity to study, from the Christian point of view, social problems and their solutions and to promote social action in the spirit of Jesus. The Federation stands for the complete abolition of war. The Federation rejects the method of the struggle for profit as the economic base for society and seeks to replace it with social-economic planning to develop a society without class or group discriminations and privileges. In seeking these objectives, the Federation does not commit its members to any specific program, but remains an inspirational and educational agency, proposing social changes by democratic decisions, not by violence.*

## The Cross -- Its Agony and Glory

### AN EASTER MEDITATION

By DR. WILLARD UPHAUS

(Dr. Uphaus spent this Easter, as he spent Christmas, in the Merrimack County jail, in Boscaawen, New Hampshire, a prisoner for "conscience's sake." He will not turn over the names of his World Fellowship guests, people whom he knows to be innocent, the Attorney General of that State for his one-man inquisition. The only sight he has of the outside world is a "little patch" of sky from a small, high window 16 or more feet from his cell. There the State of New Hampshire proposes to keep him confined until he "purges himself" by becoming an informer, or until he serves out this year's "commitment," or until judicial clemency is granted. The protest over his imprisonment is world-wide.)

Easter, a springtime festival, is a time for new life and hope. It is not just a day; it is an experience. In the midst of the present world agony, when there is not one cross to think about in whole fields of crosses, men still refuse to accept defeat. In the presence of the fear of annihilation, they hold on to the hope that there will be a peaceful and triumphant future for people on this earth, even though selfishness and spiritual blindness have long put off the divine event.

Seen in its historical perspective the Easter season is a unifying and for all races and faiths. Jesus, in his life and teachings, the fulfillment of the ethical and spiritual ideals of the Old Testament prophets. He shattered concepts of the man-made barriers of class and color, leading to the persecution of minorities, concepts of the universal brotherhood of all men and the fatherhood of God. He again and again dumbfounded the hardened and self-righteous by the divine recklessness with which he worked with all people without discrimination—with peasants and the well-to-do, with Gentiles and Jews, with publicans and sinners. A favorite artist's concept is that of Jesus surrounded by children from many nations.

Easter and Passover have much in common, because Christians and Jews find in their respective festivals a challenge and renewal. For Christians the silence and solemnity of Good Friday and the expectation of Saturday turn to rejoicing on Sunday morning. In many communities vast throngs meet at sunrise services to celebrate victory over death. Many of these are broadcast throughout the nation. As Christians are remembering Good Friday and Easter, Jewish families are celebrating the Passover in their homes and synagogues. Jesus, as a lad, often went to Jerusalem for the Passover Feast, and he was in Jerusalem when he met his death. The Passover is the time for reciting again the story of the way Moses led the Israelites out of bondage of the Egyptians. It is the festival of freedom.

Because of the common heritage shared by Christians and Jews, it is a strange and perverse habit that some Christians still have of using the crucifixion and the Easter season as a time to denigrate the Jews as Christ-killers. True enough, there were Jewish leaders at the time of Christ, who did not represent the best of the people and who joined with Rome in putting him to death. They were, according to the New Testament accounts, scribes and Pharisees who devoured widows' houses and who prided themselves in their long prayers, but were short of justice and mercy. They could rationalize that Jesus' crucifixion was entirely legal. In all ages persons who have vested in-

terests to protect, who cling to the status quo, have resented the burning condemnations of the prophet. This is a human and not a racial sin. We must not forget that Jesus' disciples were Jews. After he left them the full meaning of his life burst upon them, and they were transformed from fearful peasants into unflinching teachers of righteousness.

The Easter heritage, if understood in relation to the evil forces that brought Jesus to the cross, has an unusual significance for the multitude of unrequited toilers and for all those that a cruel world pushes to the wall. Jesus was the son of a carpenter who became skillful in the use of tools. From the earliest moments of his life his thoughts and aspirations were the thoughts and aspirations of the outcast and downtrodden. His advice to visit those in prison was inspired not only by a love of those who had gone afoul of the law but by his full awareness of a society that had helped bring about their downfall. In his first recorded sermon he told his hearers that—

"The Spirit of the Lord is upon me,  
Because he anointed me to preach  
good tidings to the poor;  
He hath sent me to proclaim release  
to the captives,  
And recovering of sight to the blind,  
To set at liberty them that are bruised,  
To proclaim the acceptable year of the Lord."

So close was Jesus to the hearts of the people that when he began his Sermon on the Mount, "the whole multitude sought to touch him." When the police state of his day began to close in on him he came to the point that he "walked no more openly."

History associates Jesus with the ancient lowly. Those who know the history of labor know that many of its leaders who loved justice more than their own lives suffered martyrdom. Many who can recall some of the more recent campaigns to organize the basic industries remember beatings, imprisonment and even death. The final courage and the immortality that flows from it are forever celebrated in "Joe Hill." "I never died," says he, "I never died . . . What they forgot to kill went on to organize."

Do you remember Tom Joad in "The Grapes of Wrath"? Hounded by "the law" because he was believed to be an agitator, he concluded he would embarrass his family less by leaving them and going on his own. In a touching farewell dialogue between Tom and his Ma, Ma asked, "How'm I gonna know about you? They might kill ya an' I wouldn't know. They might hurt ya. How'm I gonna know?"

Tom laughed uneasily, "well, maybe like Casey says, a fella ain't got a soul of his own, but on'y a piece of a big one-an' then—" "Then what, Tom?"

"Then it won't matter. Then I'll be aroun' in the dark. I'll be everywhere—wherever you look. Wherever they's a fight so hungry people can eat, I'll be there. Wherever they's a cop beatin' a guy, I'll be there. I'll be in the way kids laugh when they're hungry an' they know supper's ready. An' when our folks eat the stuff they raise an' live in the homes they build—



why I'll be there. See?"

The papers tell me now about a camera that has been lifted 450 miles high whose sensitive eye caught the rough contours of continents and oceans. If we only had the spiritual eye to look down upon two-thirds of the people of the earth still living under conditions of starvation! When will their resurrection come?

Thoughts about the cross of Good Friday and the resurrection of Easter morning hurl us headlong into one of the profound mysteries of the universe. It would be easier if we were all wise and good enough to organize our lives together so effectively that we could redeem the world from the hell of poverty, the cruelty of bigotry, the sting of oppression and the curse of war without a single cross or fields of crosses—or possibly now the obliteration of the human race. There will always be tension because of the great distance between where we are and where we would like to be; but the tensions are often slow in being relieved because we mistake pomp and ceremony for ethical living.

There is a seeming contradiction in life in that pain endured for the emancipation of our brothers brings exaltation. We would escape the grief of social rejection and misrepresentation; but to endure brings greater peace than turning away from the call ringing in our ears.

There is both a humanity and a theology of the cross. Just as in the time of Jesus the heartache on Friday does not black out the joy of Easter Sunday.

## JIM CROW'S MOST POTENT ADVERSARY

A vital issue that has been constantly in the headlines, and will be, is the sitdown of Negro college students in the South at store lunch counters in protest against racial discrimination, and the resultant demonstrations. This chain of events was started in February in Greensboro, North Carolina, when students from the state Agricultural and Technical Negro college sat down at lunch counters in Woolworth and Kress stores. Denied service they refused to leave and calmly went to reading from their text books in preparation for the next classes. These actions, accompanied by picket lines, boycotting, marches and mass meetings have spread to some fifty cities, in nine Southern states. The movement is growing so fast that this brief survey is necessarily incomplete.

The initiative and courage of the students is drawing the adult population behind them in the strongest attack on Jim Crow, the South and the nation have yet seen. The NAACP is posting bond, paying fines and providing lawyers for the demonstrators. The New York Amsterdam News says:

"... We are standing solidly behind the NAACP and our children. And we submit that we are standing on firm ground with God and the Constitution on our side."

Also the Negro students are getting growing sympathy from the white section of the population in the South. The contradiction between whites and Negroes being sold things standing side by side at one counter then the Negroes being denied the right to sit and eat beside the whites at another is so obvious. The Raleigh, Va. News and Observer remarked that in the stores the Negro was like a guest who was invited to the house but definitely not to the table.

Still sharper is the contrast between students and the whites who insult and often assault them. The Richmond, Va. News Leader, in an editorial on the local sitdown wrote:

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"Here were colored students in coats, white shirts, ties, and one of them was reading Goethe, and one was taking notes from a biology text. And here on the sidewalk outside was a gang of white boys come to heckle, a ragtail rabble, slack jawed, grinning fit to kill . . . Eheu! It gives one pause."

A still more effective appeal for white sympathy comes from the non-violent nature of the movement under the spirit leadership of the Rev. Martin Luther King, disciple of Gandhi and successful leader of the anti-segregation bus strike in Montgomery, Alabama. Usually the students are drilled for passive resistance. In one city a list of don'ts was put out to be studied. In another, one student played the devil's advocate and flouted at the expectant sitdowners the worst of the insults he knew they would get. Those who couldn't take it were left behind. In still another the group were told that those who could not remain passive when attacked could serve better by remaining on the campus. Observers from the North are impressed by the religious nature of this movement. After watching a conference of the North Carolina Student Legislature one wrote:

For the first time in my life I have seen it (Christianity) really being applied.

In the scores of cases reviewed there was only one where Negroes were guilty of initiating violence. In another, where a riot resulted from attack by vicious white racists, the mistake was made of including some high school students in the sitdowners. The prevailing pattern of mass demonstrations is a silent march from the campus to the front of some public building in the city, then the repetition of the Lord's prayer, and the singing of "God Bless America" and/or the "Star Spangled Banner." Then if the police don't break up the procession, or stand idly by while a white mob attacks it, there is a silent march back to the campus. In Montgomery, Alabama, the state capital, after 1,000 students from the Negro State College had thus demonstrated before the giant statue of Jeff Davis, in protest against the arrest of 35 students for sitting down in the courthouse luncheon room, nine leaders of the march were expelled by the State Board of Education. Then police invaded the campus, broke up a protest meeting and arrested 35, including a faculty member. They were all fined for disorderly conduct. The outcome was expulsion of over 100 students and 11 faculty members.

An example of typical unnecessary violence by law enforcement officials comes from Columbia, South Carolina. From two Negro colleges 1,000 young men and women marched peacefully to the center of the city. The state and local police, with sheriff's deputies, broke up the demonstration with firehose and tear gas. Then they arrested 350 and herded them in a stockade where they sang "God Bless America" and the "Star Spangled Banner" and held a prayer meeting. Charged with breach of the peace they were released on \$10 bonds to be tried in groups of 15 or 20.

In some cities white students have joined in the sitdowns and picketing and gone to jail with the Negro students. The North Carolina Student Legislature which called for an end to segregated eating places represented 11 white and 7 Negro colleges. In Winston Salem, in that state, white students from a Baptist college joined Negro students in refusing to leave a Woolworth lunch counter and 22 of both races were arrested. In the North running from small colleges up to Princeton and the University of Wisconsin, the student demonstrations and picketing are mostly white. Some from Brown University were attacked by white hoodlums. Xenia, Ohio reports white and Negro students picketed a restaurant for three days, then the ownership agreed to serve everybody. Harvard students call for a nationwide day strike on May 17th, sixth anniversary of the school integration law. An instance of aid to the Negro students from white adults in the South comes from Durham, North Carolina. A group of Duke University faculty members and their wives, white, urged the Merchants Ass'n. to end segregation at lunch counters. A letter signed by 485 of the 550 persons contacted said that:

"they have absolutely no objection to shopping and eating in stores whose lunch counters are opened equally to seated individuals of any racial groups. They would in fact view such non-restricted facilities as closer than restricted ones to the ideals of fairness and good sense of modern Americans."

The contrasts in the situation were recorded by a northern journalist in Richmond, Va. After talking with all sections of the



ation he decided that enough of them wanted the students in the right to sit down and eat where any white man can become a potent force if leadership to organize them applied. At the same time the legislature had rushed through anti-trespass laws with heavy penalties. This is being done in other states. In one the sidewalk is thus made forbidden and for picketers. In some states the trade and commerce are being invoked against boycotters. And of course the old bylaws—disorderly conduct and breach of the peace.

The economic factor, the fear of losing trade, is on the side of the students. In the case of the chain stores, particularly Woolworth, that makes victory depend on action in the North where 90 of their 2,200 stores are located. At present they are being picketed in some 25 cities across the nation. In New York, last Monday, more than 3,000 picketed 100 Woolworth stores.

Here and there a desire of store managers to find a settlement is replacing the closing down of the lunch counters. Agreement was reached in San Antonio and Galveston, Texas; white and black ate together in public for the first time without incident. But in Marshall, Texas, which is proud of its "Old South" traditions, the police turned the fire hose on 200 students singing "God Bless America" on the court house steps and took 49 away. The next day the Rangers moved in with trained police and arrested six pickets. In Nashville, Tenn., the Retail Merchants proposed a meeting with a committee of Negro ministers and students formed by the Nashville Christian Leadership Council. The result was agreement on an opening of a portion of each lunch counter to black and white for a trial period of 90 days. This formula is being repeated under similar auspices.

This movement cuts much farther and deeper than the original sit-downs. In less than three months it has done more toward ending of Jim Crow than the school integration attempt accomplished in six years. The Baltimore Afro-American headlined its March 12 feature story "Sitdown Now a Crusade." On March 9 the Atlanta Constitution ran a full-page ad paid for by six Negro colleges in Georgia. After a strong preamble it said:

"We do not intend to wait placidly for those rights which are legally and morally ours to be meted out to us one at a time . . . We want to state clearly and unequivocally that we cannot tolerate, in a nation professing equity and democracy, among people professing Christianity, the discriminatory conditions under which the Negro is living in Atlanta, Ga.—supposedly one of the most progressive cities of the South."

Then they list and describe these conditions: higher education, voting opportunities; hospital facilities; segregation in restaurants, movies, concerts and the Municipal auditorium. Then "Our churches which . . . foster segregation to the point of making Sunday the most segregated day of all the week."

So the movement that began when one Negro sophomore sat on one evening to think about discrimination and concluded that he did not want his children to grow up under it has become an epoch making development. The most significant aspect of this student crusade is its long-time potential value. It is shaping and training in both races men and women who can work together in helping this nation to get rid of war, ignorance, poverty and disease and give equal opportunities for "life, liberty and the pursuit of happiness" to all its people. Those who have not without physical resistance the insults and blows of ignorant hoodlums, felt the clubs of the police, and know the terrors of jails, will not quail when they meet the difficult tasks that await this nation.

Some of our religious leaders are seeing the significance of this student crusade, and others will. On March 25 the national convention of the American Jewish Congress sent letters to the students of the chain stores urging them to integrate the lunch counters in their southern stores. On the same day the National Council Conference for Interracial Justice issued a statement in support of the student demonstrations. The Division of Racial Relations and the Division of Christian Citizenship of the Protestant Episcopal Church jointly issued a document for the guidance of its members. It told them that "This 'passive resistance' movement has definite relations to the churches both in teaching and leadership." It declared that "Christianity has always taught that civil disobedience is justified for grave moral reasons." It added that "pressure applied to the national chain stores is not an unreasonable form of citizen activity." Then the document

urged that church members "support, encourage, or initiate community efforts at conversation and conciliation. . ." Speaking to the Southeast Convention of Christian Congregational Churches, representing some 200 white churches in Alabama, Georgia, South Carolina, Tennessee and Kentucky, Dr. Truman R. Douglas, executive vice president of the Board of Home Missions of the Congregational Churches, told the ministers and laymen that the church ought to be on the side of the student demonstrators:

"The church has a basic identity of interest with the nonconformist and to fail to support orderly protest is to deny its own prophetic heritage."

Surely at Denver we will add our judgment on this basic issue and endeavor to get the General Conference to do likewise. —H.F.W.

NEW YORK, N.Y.—The executive committee of the Board of Missions, largest board of The Methodist Church, has expressed the belief that the current movement by many students in non-violent 'sit-in' demonstrations is "part of a struggle for the recognition of human dignity." "It offers to all Christians in this disturbed hour an opportunity for Christian witness," the board's statement said.

The resolution urged that Methodists everywhere seek to understand, interpret and undergird the struggle for recognition of human dignity."

## ABOLISH THE DEATH PENALTY

By GOVERNOR EDMUND BROWN

As an act of public conscience and from the experience of over a decade and a half in law enforcement work, I ask the Legislature to abolish the death penalty in California. There are powerful and compelling reasons why this should be done. It is not based on maudlin sympathy for the criminal and depraved. And although I believe the death penalty constitutes an affront to human dignity and brutalizes and degrades society, I do not merely for these reasons urge this course for our State.

I have reached this momentous resolution after 16 years of careful, intimate and personal experience with the application of the death penalty in this State. This experience embraces seven years as District Attorney of San Francisco, eight years as Attorney General of this State; and now 14 months as Governor. I have had a day-to-day, first-hand familiarity with crime and punishment surpassed by very few.

Society has both the right and moral duty to protect itself against its enemies. This natural and prehistoric axiom has never successfully been refuted. If by ordered death, society is really protected and our homes and institutions guarded, then even the most extreme of all penalties can be justified.

### DEATH PENALTY A FAILURE

But the naked, simple fact is that the death penalty has been a gross failure. Beyond its horror and incivility, it has neither protected the innocent nor deterred the wicked. The recurrent spectacle of publicly sanctioned killing has cheapened human life and dignity without the redeeming grace which comes from justice meted out swiftly, evenly, humanely.

The death penalty is invoked too randomly, too irregularly, too unpredictably, and too tardily to be defended as an effective example warning away wrong-doers.

In California, for example, in 1955, there were 417 homicides. But only 52 defendants were convicted of first degree murder. And only 8, or 2%, were in fact sentenced to death. There can be no meaningful exemplary value in a punishment the incidence of which is but one to 50.

Nor is the death penalty to be explained as society's ultimate weapon of desperation against the unregenerate and perverse. The study of executions over a 15-year period produces the startling facts that of 110 condemned cases, 49% of those executed had never previously suffered a prior felony; that 75% of them came from families which had been broken by divorce, separation or otherwise when the condemned was still in his teens.

### NO DATA TO SUPPORT PENALTY

Again I say, that if this most drastic of sanctions could be said substantially to serve the ends of legal justice by adding to



our safety and security, it would deserve some greater place in our respect. But no available data from any place or time that I have been able to find from research over many years gives support to the grand argument that the presence or absence of the death penalty exerts any substantial effect upon the incidence of homicide. Indeed, the report of the British Royal Commission on Capital Punishment, one of the most universally respected and objective studies ever made on the subject, is that there is no clear evidence that the abolition of capital punishment has ever led to an increase in the homicide rate. The Royal Commission concluded, as has nearly every other scientific survey of the problem, that factors other than the presence or absence of the death penalty account for the homicide rate in any given area.

Specifically, the death penalty has been abolished in nine states (Minnesota, Wisconsin, Michigan, Rhode Island, North Dakota, Maine, Alaska and Hawaii) and in 30 foreign countries (as Sweden, Belgium, Norway, Italy, Western Germany, Puerto Rico, Austria and 22 others.

#### ABOLITION BRINGS NO INCREASE

In none of these states has the homicide rate increased, and indeed, in comparison with other states their rates seem somewhat lower. And these rates are lower not because of the death penalty but because of particular social organization, composition of population, economic and political conditions.

I have a map of the United States in which the various states are shaded to indicate their murder rate over a 10-year period from 1948 through 1957, compiled by the California Department of Corrections. It shows graphically that the states without capital punishment along with several others which do retain the death penalty have the least incidence of homicides. And in striking contrast, 12 southern states have the highest homicide rate of all.

This last fact points up the most glaring weakness of all, and that is that, no matter how efficient and fair the death penalty may seem in theory, in actual practice in California as elsewhere it is primarily inflicted upon the weak, the poor, the ignorant, and against racial minorities. In California, and in the Nation as a whole, the overwhelming majority of those executed are psychotic or near-psychotic, alcoholic, mentally defective, or otherwise demonstrably mentally unstable. In the experience of former Wardens Lewis Lawes of Sing Sing and Clinton P. Duffy of San Quentin, seldom are those with funds or prestige convicted of capital offenses, and even more seldom are they executed.

The shading of the map shows the disproportionate rate of homicides in the southern states, all of which zealously apply the death penalty.

#### MOSTLY MINORITIES

As shocking as may be the statistics in our deep South where the most extensive use of the death penalty is made and against the most defenseless and downtrodden of the population, the Negroes, let it be remembered too that in California, in the 15-year period ending in 1953, covering 110 executions, 30% were of Mexicans and Negroes, more than double the combined population percentages of these two groups at the time. Indeed, only last year, 1959, out of 48 executions in the United States, 21 only were whites, while 27 were of Negroes. These figures are not mine. I tender them to you for critical examination and comparison. But I believe you will find them compelling evidence of the gross unfairness and social injustice which has characterized the application of the death penalty.

And finally, I bring to your attention the lessons I have learned here, in California, in 16 years of public service, but especially since I became Governor. Last January I inaugurated the practice of personally conducting executive clemency hearings in every death case upon request. Every such case is carefully investigated and comes to me complete with transcripts, investigative reports, and up-to-date psychological, neuropsychiatric, and sociological evaluations.

#### SENSELESS OR INSANE

These are all hard cases to review and consider. There have been 19 of them these past 14 months. They present a dreary

procession of sordid, senseless violence, perpetrated by the wandering outcasts of the state. Not a single one of these 19 accomplished a pittance of material gain. Nine of the 19 suffered obvious and deep mental imbalance. In the only three cases where actual murder was entertained by conscious design, sickness of mind was clinically established to have existed for many years. All of them were products of the hinterlands of social, economic, and educational disadvantage.

Six of these I have commuted to life imprisonment without possibility of parole. Eight of them we have given unto the executioner: miserable, bewildered sacrifices. We have taken their lives. But I have seen in the files and transcripts, in the books which we have now closed upon them, that who they were and where they were, played just as big a part in their ultimate condemnation as what they did. And I saw that, but for just the slightest twist of circumstances, these 19 might have received a term of years as did the other 98% of those who killed.

I have studied their cases and I know that not a single execution has ever halted the sale of a single gun or restrained a moment's blind rage.

And in these cases, too, there looms always the ugly chance that innocent men may be condemned, however careful are our courts and juries. Our judicial system gives us pride, but tempered by the realization that mankind is subject to error.

#### BUT FOR THE GRACE OF GOD—

And this to me has been no idle fear. Within six months after I became Governor there came to me the duty to pardon a man who had, despite the care of court and counsel of his choice, been convicted of the willful slaying of his wife.

This man, John Henry Fry by name, admittedly under the influence of alcohol at the time of the crime, stood convicted by the force of circumstances which he could not explain. Happily, he was not executed. And last June 16th we pardoned him for that which he had never done.

Here, but for the grace of God, there might now be on our hands the blood of a man, poor, ignorant, friendless—and innocent.

I issue this call for consideration of the death penalty as a matter of conviction and conscience.

It is a Governor's task to present to the Legislature those matters on which he feels action is important and urgent, and to make clear his position and the principles for which he stands.

The Legislature, directly representing the people, has a wisdom of its own and an independent function for which I have the greatest respect.

#### STRUGGLE FOR DIGNITY

I am a realist and know the great resistance to what I propose. But public leadership must face up to the humane as well as economic and social issues of our communities. And it is not enough for those charged with public responsibilities to be content to cope with just the immediate and readily attainable; the basic and long range values of our society must also constantly be brought into fuller reality. I believe the entire history of our civilization is a struggle to bring about a greater measure of humanity, compassion and dignity among us. I believe the qualities will be the greater when the action proposed here is achieved—and not just for the wretches whose execution changed to life imprisonment, but for each of us.

Finally, I urge that the deliberations on this profound issue, whatever the outcome, be conducted with reason and restraint. There is already too much senseless violence and vituperation in our lives. Conscientious people may differ, but the ultimate issue here is clear. Can law and order be maintained as well better if capital punishment is abolished?

Whatever the decision, I urge every one of us to search his conscience carefully and fully. In the final outcome of that search have full confidence.

CHICAGO, Ill.—The Board of Social and Economic Relations of The Methodist Church, with headquarters here, has petitioned the State of New Hampshire for the release of Willard Uphaus, a Methodist layman, who is now serving his fourth month in a New Hampshire jail, for conscience' sake.